

Senate Bill 6639

-AN ACT Relating to the time for signing and receipt of absentee and mail ballots; amending RCW 29A.40.090, 29A.40.110, and 29A.48.050; and providing an effective date.

Comment: Requiring absentee ballots to reach the auditor by election day.
-----Page Break-----

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

1. **Sec.** RCW 29A.40.090 and 2003 c 111 s 1009 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The larger return envelope must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor ((no later than the day of the election or primary for which the ballot was issued)) in accordance with the time requirements of RCW 29A.40.110.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

2. **Sec.** RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to read as follows:

(1) The opening and subsequent processing of return identification envelopes for any primary or election may begin on or after the tenth day before the primary or election. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) After opening the return identification envelopes, the county canvassing board or its representative shall place all of the ballots in secure storage until after 8:00 p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner security envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on the return identification envelope that contains the security envelope and absentee ballot. ((They)) An absentee ballot may be counted only if the return identification envelope was signed by the date of the primary

or election for which it was issued and is in the office of the county auditor before the close of the polls on the day of the primary or election for which it was issued. However, an absentee ballot from an out-of-state, overseas, or service voter may be counted if it was mailed no later than the day of the primary or election for which it was issued. The canvassing board or its representative shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files of the county. For registered voters casting absentee ballots, the date on the return identification envelope to which the voter has attested determines the validity, as to the ~~((time of voting))~~ date of mailing for that absentee ballot if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters, the date on the return identification envelope to which the voter has attested determines the validity as to the ~~((time of voting))~~ date of mailing for that absentee ballot. For any absentee ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

3. **Sec.** RCW 29A.48.050 and 2003 c 111 s 1205 are each amended to read as follows:

The voter shall return the ballot to the county auditor in the return identification envelope. ~~((H))~~ Whether mailed or returned otherwise, a ballot must be ~~((postmarked not later than the date of the primary or election. Otherwise, the ballot must be deposited at the office of the county auditor or the designated place of deposit not later than 8:00 p.m. on the date of the primary or election))~~ returned in accordance with the time requirements as provided for an absentee ballot under RCW 29A.40.110.

4. NEW SECTION. **Sec.** This act takes effect July 1, 2004.

--- END ---